



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Leonard W. KAPLAN et al.

Confirmation No.: 4115

Serial No.: 09/920,340

Group Art Unit: 1617

Filing Date: August 1, 2001

Examiner: Mojdeh BAHAR

Title: FORMULATIONS OF MOMETASONE AND A BRONCHODILATOR
FOR PULMONARY ADMINISTRATION

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#1410

AMENDMENT UNDER 37 CFR § 1.111 PURSUANT TO 37 C.F.R. § 1.114

Mail Stop RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action dated April 9, 2003, applicants respectfully request reconsideration of the application in view of the amendments and remarks set forth in this paper. This response after final rejection is filed under 37 C.F.R. § 1.111 pursuant to the procedures set forth in 37 C.F.R. § 1.114 and is accompanied by the following documents and fees: the Declaration of Leonard W. Kaplan under 37 C.F.R. § 1.132 and the *Guidelines for the Diagnosis and Management of Asthma*, which are attached as an appendix to this paper; a Request for Continued Examination ("RCE"); the fee for the RCE; and the fee for a two-month extension of time.

AMENDMENTS TO THE CLAIMS

The amendments to the claims are set forth in the listing of the claims on pages 2 to 7 of this paper.

REMARKS

The remarks in support of this application are set forth on pages 8 to 12 of this paper.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/920,340
Filing Date	August 1, 2001
First Named Inventor	Leonard W. KAPLAN
Art Unit	1617
Examiner Name	Mojdeh BAHAR
Attorney Docket Number	3400-0008 (formerly 9500-0001)

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ENCLOSURES (Check all that apply)

<input type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Fee(s) due <input checked="" type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Check for \$580.00 <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> After Final with Appendix A: Declaration of Leonard W. Kaplan, M.D., along with attached "Guidelines for the Diagnosis and Management of Asthma" report <input checked="" type="checkbox"/> Two-month Extension of Time (see Fee Transmittal) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Continued Examination (RCE) Transmittal
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Remarks:

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name (print/type)	Karen Canaan	Registration No. (Attorney/Agent)	42,382	Telephone	(650) 330-0900
Signature				Date	September 4, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 4, 2003.

Name (print/type)	Margaret K. Surridge	Date	September 4, 2003
Signature			

**FREE TRANSMITTAL**
for FY 2003

Effective 01/01/03. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** **\$580.00**

Complete if Known

Application Number 09/920,340

Filing Date August 1, 2001

First Named Inventor L. nard W. KAPLAN

Examiner Name Mojdeh BAHAR

Group Art Unit 1617

Attorney Docket No. 3400-0008 (formerly 9500-0001)

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account No. 18-0580

Deposit Account Name Reed & Eberle LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any underpayment or credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	\$0
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) **\$0****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
	45	2		0	0	\$0
				0	0	\$0
				0	0	\$0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claim in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **\$0**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	\$205.00
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	\$375.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)**\$580.00****SUBMITTED BY**

Name (Print/Type)

Karen Canaan

Registration No. (Attorney/Agent)

42,382

Telephone

Complete (if applicable)

(650) 330-0900

Signature

Date

September 4, 2003

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